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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,988	06/10/2002	Jonathan Sharp	367.41543X00	4158
20457	7590	03/07/2006	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			PHU, SANH D	
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			2682	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/089,988	Applicant(s) SHARP, JONATHAN	
	Examiner Sanh D. Phu	Art Unit 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-21 and 26-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-21, 26-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the RCE and Amendment filed on 2/03/06. Accordingly, claims 19–21 and 26–47 are currently pending. Claims 1–18 and 22–25 have been canceled.

Claim Rejections – 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 19–21, 26–31, 35–47 are rejected under 35 U.S.C. 102(b) as being anticipated by Kamada et al (6,192,258), newly-cited.

–Regarding to claim 19, see figures 1A, 1B, 2, 11 and 12, and col. 1, lines 6–10, col. 7, line 9 to col. 8, line 15, col. 9, lines 10–45, Kamada et al discloses communication device (100, 140) (see figure 1A, 1B) comprising a body (100)

Art Unit: 2682

and an attached cover (140) having an aperture, wherein the device has a closed configuration (see figure 1A) in which portions of the body are covered and an open configuration (see figure 1B) in which at least some of the portions covered in the closed configuration are uncovered, the body comprising:

- a receiver (145, 134) (see figure 2) which receives data via radio transmissions;

- a display (122) (see figures 1B and 2) operative independently of whether the cover is in the closed or open configuration and positioned such that in the open configuration the display is uncovered and positioned such that in the closed configuration the aperture is substantially aligned with the display so that at least a portion of the display is visible to a user through the aperture; and

- a processor (101) (see figure 2) which controls the display to show received data as text, wherein when the device is in the closed configuration the processor controls the display to provide, provides a first display control function and wherein when the device is in the open configuration the

processor controls the display to provide a second display control function, the first display control function providing the received text to the user as text which streams, without repeated user input, through the visible portion of the display (see also figures 11 and 12, and col. 7, lines 40–67, col. 9, lines 10–45).

–Regarding to claim 20, Kamada et al discloses that that the text can be configured to be provided as a single line of text which streams across the visible portion (see figure 12 B).

–Regarding to claim 21, Kamada et al discloses when the device is in the closed configuration the first display control function provides the received text to the user in a first format and wherein the processor is responsive to movement of the cover from the closed position to the open position so that when the cover is in the open position the second display control function provides the received text to the user in a second format, the first format providing a first quantity of content in a first time period and the second format providing a second quantity of content in the first time

Art Unit: 2682

period, wherein the second quantity is greater than the first quantity (see figures 11 and 12, and col. 9, lines 10–45)

–Regarding to claim 26, Kamada et al discloses that the cover is opaque (see figures 1A, 1B).

–Regarding to claim 27, Kamada et al discloses that the aperture in the cover is covered by protective transparent material (see figures 1A, 1B).

–Regarding to claim 28, Kamada et al discloses that the cover is a flip cover which rotates about a hinge when moved between the first and second configurations (see figures 1A, 1B).

–Regarding to claim 29, Kamada et al discloses that the portions of the body covered in the closed configuration and exposed in the open configuration include those portions of the display which are not the visible portions of the display (see figures 1A, 1B).

–Regarding to claim 30, Kamada et al discloses a user input (131) wherein the portions of the body covered in the closed configuration and exposed in the open configuration include a user input means (132, 131, 122) (see figures 1A, 1B and 2).

-Regarding to claim 31, Kamada et al discloses that the received data is a text message (see figure 10).

-Regarding to claim 35, Kamada et al discloses that the device is portable (see figures 1A, 1B).

-Regarding to claim 36, Kamada et al discloses that the device functions as a radiotelephone (see col. 1, lines 6-10).

-Regarding to claim 37, Kamada et al discloses that the device is sized to fit within the palm of a hand (see figures 1A, 1B) and has an input user interface (122) (see figure 2) without an alphanumeric/numeric keypad.

-Regarding to claim 38, as similarly applied to claim 1, see figures 1A, 1B, 2, 11 and 12, and col. 1, lines 6-10, col. 7, line 9 to col. 8, line 15, col. 9, lines 10-45, Kamada et al discloses a communication device (100, 140) (see figure 1A) comprising a body (100) and an attached cover (140) having an aperture, wherein the device has a closed configuration in which portions of the body are covered and an open configuration in which at least some of the portions covered in the closed configuration are uncovered, the body comprising:

a receiver (135, 134) (see figure 2) which receives data via radio transmissions;

a display (122) (see figure 1B, 2) operative independently of whether the cover is in the closed or open configuration and positioned such that in the open configuration the display is uncovered and positioned such that in the closed configuration the aperture is substantially aligned with the display so that at least a portion of the display is visible to a user through the aperture; and

a processor (101) (see figure 2) which controls the display to show received data as text, wherein when the device is in the closed configuration the processor controls the display to provide a first display control function and wherein when the device is in the open configuration the processor controls the display to provide a second d i s p l a y control function. wherein the device includes a user input key (132) (see figure 1A) and a single actuation of the user input key causes the processor to control the display to provide the first display control function when the cover is in the closed configuration, the first display control function providing the received text to

the user as text which streams through the visible portion of the display (see figure 1A, col. 21–38, col. 9, lines 10–45).

–Regarding to claim 39, Kamada et al discloses a single actuation (132) of the user input key causes the processor to control the display to provide the first display control function when the cover is in the closed configuration, the first display control function providing the received text to the user as text which steams, without repeated user input, through the visible portion of the display see figures 1A, 11, 12, col. 21–38, col. 9, lines 10–45).

–Regarding to claim 40, as similarly applied to claim 1, see figures 1A, 1B, 2, 11 and 12, and col. 1, lines 6–10, col. 7, line 9 to col. 8, line 15, col. 9, lines 10–45, Kamada et al discloses communication device (100, 140) (see figures 1A, 1B) comprising a body (100) and an attached cover (140) having an aperture, wherein the device has a closed configuration in which portions of the body are covered and an open configuration in which at least some of the portions covered in the closed configuration are uncovered, the body comprising:

a receiver (134, 135) (see figure 2) which receives data via radio transmissions;

a display (122) (see figures 1A, 1B, 2) operative independently of whether the cover is in the closed or open configuration and positioned such that in the open configuration the display is uncovered and positioned such that in the closed configuration the aperture is substantially aligned with the display so that at least a portion of the display is visible to a user through the aperture; and

a processor (101) which controls the display to show received data as text, wherein when the device is in the closed configuration the processor provides the received text to the user in a first format and wherein the processor is responsive to movement of the cover from the closed configuration to the open configuration so that when the cover is in the open configuration the processor provides the received text to the user in a second format the first format providing a first quantity of content in a first time period and the second format providing a second quantity of content in

the first time period wherein the second quantity is greater than the first quantity (see figures 11 and 12, and col. 9, lines 10-45).

-Regarding to claim 41, Kamada et al discloses that the first format can be a single line streaming format (see figures 11, 12).

-Regarding to claim 42, Kamada et al discloses that the second format can be a multiple line format (see figures 11, 12).

-Regarding to claim 43, Kamada et al discloses that the second format is a static format (see figures 11, 12).

-Regarding to claim 44, Kamada et al discloses that the second format is a streaming format (see figures 11, 12).

-Regarding to claim 45, Kamada et al discloses that the first format provides a first quantity of line or lines of content in the first time period (see figure 11).

-Regarding to claim 46, Kamada et al discloses that the second format provides a second quantity of lines of content in the first time period, the second quantity being greater than the first quantity (see figures 11 and 12, and col. 9, lines 10-45).

-Regarding to claim 47, as similarly applied to claim 1, see figures 1A, 1B, 2, 11 and 12, and col. 1, lines 6-10, col. 7, line 9 to col. 8, line 15, col. 9, lines 10-45, Kamada et al discloses a communication device (100, 140) (see figures 1A, 1B) comprising a body (100) and an attached cover (140) having an aperture, wherein the device has a closed configuration in which portions of the body are covered and an open configuration in which at least some of the portions covered in the closed configuration are uncovered, the body comprising:

- a receiver (134, 135) (see figure 2) which receives data via radio transmissions;

- a display (122) (see figures 1B, 2) operative independently of whether the cover is in the closed or open configuration and positioned such that in the open configuration the display is uncovered and positioned such that in the closed configuration the aperture is substantially aligned with the display so that only a portion of the display is visible to a user through the aperture;
- and

a processor (101) (see figure 2) which controls the display to show received data as text, wherein when the device is in the dosed configuration the processor provides the received text to the user as text which streams, without repeated user input, through the visible portion of the display.

Claim Rejections – 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 32–34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamada et al in view of Cushion (WO 99/23800), previously cited.

–Regarding to claim 32, Kamada et al does not disclose whether the received data for being displayed is information concerning an unanswered incoming call.

Kamada et al discloses that his device is a cellular phone.

Cushion teaches that information concerning an unanswered incoming call can be configured by a cellular phone to be displayed on a display of the cellular phone (see page 2, lines 16–37).

It would have been obvious for a person skilled in the art to implement Kamada et al display to be capable of display information concerning an unanswered incoming call, as taught by Cushion, so that it would make the user alert and capable to view information about unanswered incoming calls.

–Regarding to claim 33, Kamada et al does not disclose whether the processor controls the display to show a message alerting the user to receipt of data.

Kamada et al discloses that his device is a cellular phone.

Cushion teaches that a message alerting the user to receipt of data can be configured by a cellular telephone to be displayed on the display of the cellular phone (see page 2, lines 16–37).

It would have been obvious for a person skilled in the art to implement Kamada et al cellular telephone processor to control the display to display a message alerting the user to receipt of data, as taught by Cushion, so that it would make the user alert and capable to view information about the alerting message.

–Regarding to claim 34, Kamada et al does not disclose a button which has a function dependent upon the state of a processor, wherein when the processor is in a state which controls the display to show a message alerting the user to the receipt of data, activation of the button causes the processor to control the display to show the received data as text, as claimed.

Kamada et al discloses that his device is a cellular phone.

Cushion teaches that a message alerting the user to receipt of data can be configured by a cellular telephone to be displayed on the display of the cellular phone, and he further teaches that the cellular telephone's key pad having a plurality of buttons can be used/activated to cause the cellular telephone to control/command the display to display received messages (see page 2, lines 16-37).

It would have been obvious for a person skilled in the art to implement Kamada et al in such a way that a message alerting the user to receipt of data would be configurable by Kamada et al processor to be displayed on the display, and when the processor is in a state which controls the display to show a message, button(s) of keypad would be configurable to be activated to cause the processor to control/command the display to display received messages, as taught by Cushion, so that it would make the user alert and capable to view information about the alerting message.

Response to Arguments

6. Applicant's arguments filed on 2/3/06 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D. Phu whose telephone number is (571)272-7857. The examiner can normally be reached on M-Th from 7:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on (571) 272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2682

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SP

Sanh D. Phu
Examiner
Art Unit 2682



2/22/06

**SANH D. PHU
PATENT EXAMINER**